

**PUBLIC ACCESS ROOM**

A division of the Legislative Reference Bureau

**NEWSLETTER**

Hawaii State Capitol ♦ 415 South Beretania Street ♦ Room 401 ♦ Honolulu, Hawaii 96813

Phone: (808) 587-0478 ♦ Fax: (808) 587-0793 ♦ URL: [www.hawaii.gov/lrb/par](http://www.hawaii.gov/lrb/par)**Legislative Timetable****January**

18<sup>th</sup> Opening Day.  
 20<sup>th</sup> Non-Administrative Bill Package Cutoff.  
 23<sup>rd</sup> State-of-the-State Address & Administrative Bill Package Cutoff.  
 25<sup>th</sup> Last day for introduction of bills.  
 31<sup>st</sup> Grants/Subsidies Cutoff.

**February**

17<sup>th</sup> First Lateral.  
 20<sup>th</sup> Holiday - Presidents' Day.  
 23<sup>rd</sup> - March 1<sup>st</sup> Mandatory 5-Day Recess.

**March**

3<sup>rd</sup> First Decking - last day to file non-budget bills.  
 9<sup>th</sup> First Crossover.  
 15<sup>th</sup> Last day to introduce substantive resolutions.  
 21<sup>st</sup> Budget Decking.  
 23<sup>rd</sup> Budget Crossover.  
 24<sup>th</sup> Second Lateral.  
 27<sup>th</sup> Holiday - Kuhio Day.

**April**

7<sup>th</sup> Second Decking - last day to file bills in non-originating body.  
 13<sup>th</sup> Second Crossover - last day to disagree/First Crossover for Concurrent Resolutions.  
 14<sup>th</sup> Holiday - Good Friday.  
 21<sup>st</sup> Deadline for final form of constitutional amendments.  
 24<sup>th</sup> Second Crossover for Concurrent Resolutions.  
 27<sup>th</sup> Last day to file non-fiscal bills to deck for Final Reading.  
 28<sup>th</sup> Last day to file fiscal bills to deck for Final Reading.

**May**

4<sup>th</sup> Adjournment Sine Die.

**June**

23<sup>rd</sup> Last day for Governor to veto bills.

**July**

10<sup>th</sup> Last day for Governor to sign bills.

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Hawaii'i:....974-4000, then ext. 70478 70793

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Moloka'i/Lana'i: 800-468-4644, then ext. 70478 70793

**Lateral & Decking**

Deadlines, Deadlines, Deadlines...  
 (...meaning...er, what exactly?...)

Deadlines sometime seem to run this place – miss a deadline and your bill gets left behind. Lately, everyone's been talking about making the **first lateral** deadline and the deadline for **decking**. These terms might bring up images of a sideways football toss or a stack of playing cards. Here is an easy overview on why those images aren't so far off the mark and what actually happens on these crucial deadline days.

**Lateral**

There are actually two lateral deadlines during regular session, referred to (simply enough) as 1<sup>st</sup> Lateral and 2<sup>nd</sup> Lateral.

- 1<sup>st</sup> Lateral occurs before a bill leaves the chamber it was introduced in;
- 2<sup>nd</sup> Lateral occurs after a bill crosses over to the non-originating chamber.

**2006 Session:****Lateral and Decking Deadlines**

1 <sup>st</sup> Lateral:	Friday, February 17
1 <sup>st</sup> Decking:	Friday, March 3
2 <sup>nd</sup> Lateral:	Friday, March 24
2 <sup>nd</sup> Decking:	Friday, April 7

**Now, what is a lateral deadline?** It's the date by which a bill must find its way to its last committee. If a bill's only been referred to one committee (that's what we call getting a 'single referral'), then it's smooth sailing, and no need to worry. (It's already in its last committee.) However, if a bill has been referred to more than one committee ("multiple referral"), it has to pass out of all previous committees and be referred to its final committee by the lateral deadline.

**Why is this called a "lateral" deadline?** Because it concerns the bills' "sideways" movement (like a lateral pass in football) from one committee to another within each chamber, as opposed to "forward" movement between chambers. Laterals are considered 'internal' deadlines, and do not appear on the Legislative Timetable published jointly by the House and Senate. The dates may be easily obtained from your Senator and Representative, or by contacting the Public Access Room.

**Why bother with lateral deadlines?** Lateral deadlines ensure that the final committee to which the bill has been referred has sufficient time to review the bill. Notice that if a bill is given a multiple referral, the committees are usually listed from most specific to least. That is, the bill's subject matter will generally be reflected in the committees that are listed first. The last committees listed for measures

(continued on page 2)

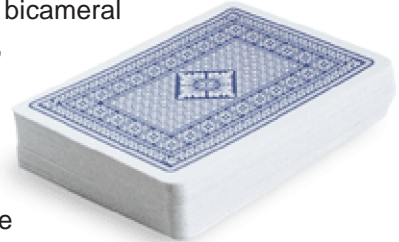
with appropriations or legal issues will be the broad impact committees such as the money committees (Senate Ways and Means, or House Finance) and judiciary committees (Senate Judiciary and Hawaiian Affairs, and House Judiciary). The lateral deadlines ensure that last referral committees have reasonable time to consider the broad implications of the measures before them, as well as the previous committee(s)' recommendations and amendments.

**What about joint referrals?** The trick to remember here is that if it's got a comma in its referral listing, you'll want to pay attention to the lateral deadline. If not, it's treated like a single referral. For example, if a bill is referred to "HTH, CPH/WAM" the comma indicates that the bill must successfully pass the Senate Health Committee, and be referred to the Commerce, Consumer Protection and Housing Committee meeting jointly with the Ways and Means Committee by the lateral deadline. If, on the other hand, the bill is referred only to "HTH/CPH/WAM" then it's already at its last committee (though it's a triply jointed one) – as a result, you don't need to be concerned about the lateral deadline. But you do have to be concerned about the decking deadline...we'll cover that next.

### **Decking**

Hang around here long enough, and you'll realize there's a lot of symmetry in the bicameral legislative process. There are also two decking deadlines during regular session, referred to as 1<sup>st</sup> Decking and 2<sup>nd</sup> Decking.

- 1<sup>st</sup> Decking occurs before a bill leaves the chamber it was introduced in;
- 2<sup>nd</sup> Decking occurs after a bill crosses over to the non-originating chamber.



**What is a decking deadline?** This deadline applies only to bills amended by the last committee. It's the date by which a bill's final committee report (with the new bill draft) must be submitted to the Clerk's office so that the final version of the bill can be made available to chamber members 48 hours prior to being voted on for passage. This vote, referred to as "third reading" (since it is the third time the bill has come to the entire chamber for passage), is required for a bill to pass to the other chamber or, if appropriate, to the governor. Unamended bills need not lay on the table for the 48 hours prior to the vote on passage because members have already discussed the current version of the bill.

**Why is this called a "decking" deadline?** When committee reports are submitted to the Clerk's office in time for the decking deadline, the reports are time stamped and compiled, or decked, for processing in the order received. The Clerk's office then assigns each committee report a number sequentially from the first report in to the final report received.

**Why bother with decking deadlines?** The decking deadline compels a chamber to present its final decisions in a timely fashion to the other chamber and/or the governor.

The first decking deadline allows the chamber of origin enough time to hear the bill in committees, make amendments, and hear it on the floor three times (referred to as "readings") while also ensuring that the non-originating chamber has time to consider the bill in the same manner.

The second decking deadline allows the non-originating chamber enough time to consider the bill (hear the bill in committees, make amendments, and hear it on the floor three times). It also ensures that there is time available for both chambers to consider any differences between the final versions of the bill, and to convene conference committee meetings in an attempt to reach agreement, if desired.

**What's the most important thing to remember about deadlines?** Bills that fail to meet deadlines are left behind, and bills that fail to move forward can not pass out of the legislature to become law.

Once a deadline's passed, there's not much you can do. So, keep an eye on the calendar. And call us if you have questions... the jargon may sound cryptic at first, but the deadlines are pretty cut-and-dry.

### **Keeping it Straight...Easy Reference for 1<sup>st</sup> and 2<sup>nd</sup>**

#### **If it's a Senate bill (SB)...**

- 1<sup>st</sup> lateral and 1<sup>st</sup> decking apply when it's in the Senate
- 2<sup>nd</sup> lateral and 2<sup>nd</sup> decking apply when it's crossed over to the House

#### **If it's a House bill (HB)...**

- 1<sup>st</sup> lateral and 1<sup>st</sup> decking apply when it's in the House
- 2<sup>nd</sup> lateral and 2<sup>nd</sup> decking apply when it's crossed over to the Senate

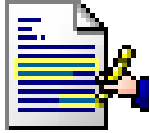
# Amending and Gutting A Bill:

SB456 HD1 CD1

*From the minor to the drastic*

HB123 HD1 SD2 CD1

While a bill's *title* cannot be changed during its passage through the legislature, its contents can be, as long as the amendments made are within the scope of the *title*.<sup>\*</sup> Only rarely does a bill go through the entire legislative process unchanged. As a measure passes from one committee to the next, modifications, "amendments," are frequently



made by standing committees. (Less commonly, they can also be made from the floor of the House or Senate.) When such amendments are made, a draft number is added to the bill number (for example HB123 HD1 SD2 CD1). HD stands for House draft, SD for Senate draft and CD for conference draft. Those amendments can be minor or radical, substantive or non-substantive. Keep in mind that even a small change, for instance the addition or deletion of a comma or a hyphen, can change a bill's meaning. So great care is exercised in making changes.

A *non-substantive* amendment is one that does not alter anything but a bill's clarity and style. This type of amendment typically mends punctuation and grammatical errors for clarity, but does not alter the way a bill should be interpreted.

*Substantive* amendments can cover a wide range of possibilities, small or large. Even small changes can be very important. For instance, when a committee amends a prior committee's use of the word **may** to **shall**, the entire meaning is changed. Here is an example: "the director **may** issue a license to any individual who meets the requirements of this chapter, upon payment of the prescribed fees" implies that some options are available to the director. However, saying that "the director **shall** issue a license..." indicates that the issuance of that license is required, once the payment of those prescribed fees has been made.

Sometimes "defective effective dates" are intentionally inserted into a bill, in order to move the matter forward for further discussion. By changing a measure's effective date from "July 1, 2006" to "July 1, 2099," a committee can move a bill to its next committee, knowing that the defective date can be corrected as further discussions ensue, and preventing it from becoming law anytime soon if outstanding issues are not resolved. A date cannot inherently be defective, but can keep a bill from taking effect for an unacceptably long time.

"**Gutting**" is amending a bill by replacing its entire contents, often with the contents of another bill which may have earlier died somewhere along the line in committee. Here is an example from the 2005 session: SB 680, entitled "Relating to Solid Waste Control," had an initial description which said that it "[c]larifies an ambiguity in the solid waste disposal provision." A House committee gutted that bill and substituted language whose description indicated that it "[r]equires the Department of Health to develop procedures for the exchange of information between the deposit beverage container manufacturer, distributor, retailer, and certified redemption centers, including universal product barcode information" (SB680, HD1). The title had not changed, but the bill's meaning had changed greatly.

When conference committees convene on specific bills, the Senate and House members of the conference committees can discuss all the changes made to those bills and, sometimes, work out the compromises that will allow the bills to stay alive. The versions of bills that come out of conference must be approved by all Senators and Representatives, so that both chambers support the versions of the bills that are sent to the Governor.

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<sup>\*</sup>Resolution titles can be changed, but bill titles cannot.

**This just in from our quotes department...**

**"There is nothing like returning to a place that remains unchanged to find the ways in which you yourself have altered."** Nelson Mandela



## PAR Website, Always Getting Better



The Public Access Room's newsletter has informed, educated, and advised the public for quite a few years on Hawaii's legislative process. On wide-ranging topics, our archive of newsletters has become a valuable resource for those new to the legislative process, as well as more seasoned veterans.



Our archived newsletters, touching on many subjects, can be found by going to the PAR's website at [www.hawaii.gov/lrb/par](http://www.hawaii.gov/lrb/par) and clicking on the "newsletter" link at the top of the page. In its current format, archived newsletters are categorized by date of issue, with the most recent at the top of the list. The link to each issue lists the topics discussed within it.

However, shortly after posting our May 2006 newsletter, we will rearrange that material by *topic* in addition to date of issue, with each topic hyperlinked

to its relevant newsletter. We believe this arrangement will be helpful for us all.

To assist us in putting together this new format, our UH student intern for the 2006 session, Travis "The Computer Wizard" Gramkowski, has assembled a list of articles, in an easily accessed topics list (sample on right).

If you know of a topic that we have not touched upon, or if you have other suggestions about our soon-to-be-archived format, please call us or email us. Better yet, stop by the PAR to share your ideas and say hello.

Topic	Issue
Constitution	
<a href="#">Amendments</a>	May 2004, p1-2
Interim	
<a href="#">Importance of</a>	Apr 2000, p1-3
<a href="#">Suggested Activities</a>	May 2005, p3
Lobbyists	
<a href="#">Registering and List</a>	Jan 2004, p1-2
PAR and Online Resources	
<a href="#">ADA Compliance</a>	Feb 2001, p1
<a href="#">Capitol TV</a>	Mar 2001, p1-2
<a href="#">DVD, Educational</a>	Mar 2005, p1

## March PAR Workshops

The workshops will be held in the Public Access Room (room 401 in the State Capitol) and seating is limited so sign up soon.

**Legislative Process** – Learn about the Legislative Timetable, Deadlines, Readings, Conference Procedures, and internal rules of the House and Senate.

**Useful Internet Sites** – Learn about the research tools available online including the legislature's website and the State government website.

**Reading and Understanding Legislative Documents** – Learn how to read and understand legislative documents including Orders of the Day, Hearing Notices, Bills and Resolutions, Referral Sheets, Journals and Governor's Messages.

### Workshop Schedule

Mar 7 Tu	Process	5:00 pm
Mar 9 Th	Internet	1:00 pm
Mar 14 Tu	Documents	5:00 pm
Mar 16 Th	Internet	1:00 pm
Mar 21 Tu	Process	1:00 pm
Mar 23 Th	Internet	5:00 pm
Mar 28 Tu	Documents	1:00 pm
Mar 30 Th	Process	5:00 pm

### FYI:

**March will be the last month for our regularly scheduled workshops. If you would like to have a workshop conducted for you or your group after that time, give us a call at 587-0478. If you can't come to our office, we will try to work out a time and place that will be convenient for you (groups only for this service please). Mahalo.**